

REMARKS

This Request for Reconsideration follows the telephone interview between the undersigned and Examiner Casca held on January 24, 2008 at 11:00 AM. The applicants and the undersigned wish to thank the Examiner for extending the courtesy of the “after-final” interview.

In the interview, the Examiner and the undersigned discussed first of all the fact that the obviousness rejection in the first action used the *English* reference (U.S. Publication No. 2003/0002460) as the secondary reference while the final action used newly applied *Yuen* (U.S. Publication No. 2003/0185286) as the secondary reference. It was further discussed that the final action on page 3 of the Detailed Action in the last paragraph on that page refers to the *English* reference as does the second paragraph on page 4. The Examiner indicated that he also noticed this in preparing for the interview and that this might be a typographical error.

In any event, the applicant’s representative brought up the fact that the applied references *Sugirtharag* and *Yuen* fail to show streaming media, a streaming server, receiving streaming media over an air interface or any of the other streaming media limitations of the rejected claims. The Examiner’s position was that streaming media and a streaming server is broad enough to encompass the network elements shown in the references.

The applicant’s representative pointed out that “streaming” has a meaning in the art that is well understood and that the Examiner’s interpretation of the word “streaming” was too broad. It was pointed out that in a streaming media scenario the entire media file does not have to arrive at the client before it can be played, i.e., the streaming technique enables sending a media from the streaming server to the client device in a continuous manner and playing of the media as it arrives in the client. This interpretation of the claims is supported in the specification at page 1, line 30 through page 2, line 4. In contrast to the Examiner’s over-broad interpretation, the phrase “streaming media” has to be interpreted in the more narrow sense as will be understood by anyone of skill in the art even without the support provided by the specification as described above.

Since neither of the references applied in the obviousness rejection disclose streaming media, it is not surprising that the other crucial limitations of the claims relating to

receiving streaming media over an air interface from the streaming server and sending a request to the streaming server in the presence of a detection of a cell reselection event (detected in the mobile client device) are also absent.

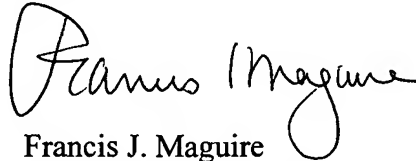
It was also discussed that the “application level request” means that the request is sent from the application level of the mobile client device. This means that the intermediary network node such as base stations will not be involved in responding to the request except as intermediaries and that the request has to be responded to at the application level at the end point, i.e., at the streaming server. As in the Examiner’s interpretation of the word “streaming” the Examiner also gives the phrase “application level” (concerning the request) a broad meaning that is not confined to the application layer of the protocol stack in the client device. However, it was not clear from the telephone interview what other kind of meaning could be given to this phrase other than its plain meaning. See the specification at various points including page 4, lines 9-11, page 21, lines 6-12, page 22, lines 16-19, and particularly at page 22, line 30 to page 23, line 1 where the nature of the application layer software at both the client and the server is fully disclosed in the context of a protocol stack 230 in the client device and a protocol stack 330 in the server. It was stated by the undersigned to the Examiner that this was the meaning of “application level” in the claims. It was also stated that none of the applied references show this kind of a request from a client device to a streaming server and that the applied references have to do with handover scenarios involving the mobile station and the base station without any application level involvement.

The Examiner requested this Request for Reconsideration in writing and that he would give it full consideration as soon as received, requesting the undersigned to alert the Examiner to the filing of same so that it could be quickly brought to the Examiner’s attention.

Reconsideration and allowance are respectfully requested.

If the above mentioned petition for extension of time is missing or is for the wrong extension period, the Director is authorized to consider this paper as a petition for the correct extension period. If the fee is missing, is inadequate, or excessive, the Director is authorized to deduct the missing fee, the shortfall, or to credit our Deposit Account No. 23-0442.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with a large initial "F" and a long, sweeping underline.

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